

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation/Petition to
Revoke Probation Against:

LAWRENCE EDWIN YOUNG,

Respondent.

No. CC 2004-59

OAH No. 2010060231

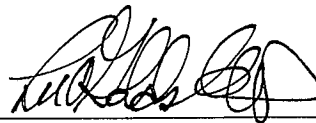
DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective February 12, 2011.

IT IS SO ORDERED January 13, 2011.

By



TR:

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BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and
Petition to Revoke Probation Against:

LAWRENCE EDWIN YOUNG, O.D.

Optometrist Certificate No. OPT 8618,

Respondent.

Case No. CC 2004-59

OAH No. 2010060231

PROPOSED DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on December 1, 2010, in Los Angeles, California. Complainant was represented by Randy Mailman, Deputy Attorney General. Lawrence Edwin Young, O.D. (Respondent), was present and represented himself.

At the hearing, the Administrative Law Judge (ALJ) was provided with Respondent's Exhibit D, which contained the names of numerous patients and was too lengthy to redact. On her own motion, the ALJ ordered that, following the use of the document in preparation of the Proposed Decision, Respondent's Exhibit D would be placed under seal. Exhibit D shall remain under seal and shall not be opened, except by order of the Office of Administrative Hearings, the Board of Optometry or by a reviewing court.

Oral and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on December 1, 2010.

FACTUAL FINDINGS

1. On January 27, 2010, Complainant Mona Maggio filed the Accusation and Petition to Revoke Probation while acting in her official capacity as the Executive Officer of the State Board of Optometry (Board), Department of Consumer Affairs, State of California. On February 10, 2010, the Accusation and Petition to Revoke Probation was served on Respondent.

2. On October 2, 1986, the Board issued Optometrist Certificate Number OPT 8618 to Respondent. That certificate is in full force and effect and will expire on March 31, 2012, unless renewed.

3. In a Decision and Order, effective April 3, 2008, in Case No. CC 2004-59 (Prior Decision) adopting a Stipulated Settlement and Disciplinary Order, the Board revoked Respondent's certificate, stayed the revocation and placed Respondent on probation for three years on specified terms and conditions, which included the following:

[¶] ... [¶]

2. **Obey all Laws.** Respondent shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

3. **Comply With The Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program.

Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determined that Respondent may not be compliant with any of the terms or conditions of his probation.

Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Respondent shall comply with the Board's probation surveillance program; including, but not limited to, allowing access to the probationer's optometric practice(s) and patient records upon request of the Board or its agent.

Respondent shall pay the monitoring cost associated with the Board's probation surveillance program each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

Upon successful completion of probation, Respondent's license shall be fully restored.

[¶] ... [¶]

6. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this decision to the optometric regulatory agency in every state and territory in which he has an optometry license.

7. **Function as an Optometrist.** Respondent, during the period of probation, shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For the purposes of compliance with this section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist. If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

[¶] ... [¶]

11. **Complete Optometry Course.** Respondent, at his own expense, shall enroll and successfully complete courses relevant to the practice of optometry, including, but not limited to, a course in ethics. Respondent shall obtain approval from the Board before enrolling in the ethics course. These courses shall be in addition to the courses required for license renewal. Respondent shall complete forty (40) hours of course work per year for each year of probation.

12. **Community Services – Free Services.** Within 60 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval a community service program in which Respondent shall provide free non-optometric services on a regular basis to a community or charitable facility or agency for at least 400 hours over the course of the period of probation.

13. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$10,000. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

[¶] ... [¶]

15. **Violation of Probation.** If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

4(a). When Respondent was placed on probation in April 2008, he was required to meet in person with a Board representative in Sacramento to go over the terms and conditions of his probation. However, due to his medical issues, the Board allowed him to conduct his initial probation interview by phone. In July 2008, Respondent and a Board representative spoke by telephone and discussed all of the terms and conditions of his probation.

4(b). On that date, Respondent signed a written acknowledgment indicating that he understood and would abide by the terms of his probation. This acknowledgment was forwarded to the Board.

4(c). On that date, Respondent also signed a Cost Recovery Payment Plan, wherein he agreed to pay the \$10,000 in costs in monthly payments as follows: one payment of \$357.22 by July 30, 2008, and 27 payments \$357.14 on the 30th of each month thereafter, until paid in full. The executed Cost Recovery Payment Plan was forwarded to the Board.

5. In August 2009, the Board received a complaint from one of Respondent's patients. On August 25, 2009, the Board sent a letter to Respondent requesting that, within 14 days, he provide the Board with a copy of the patient's records. The Board's request was

accompanied by the patient's written authorization for release of records to the Board. Respondent received the request, but did not send a reply.

6. On September 25, 2009, the Board sent Respondent another letter, requesting that, within 14 days, he provide the Board with a copy of the patient's records. Respondent received the request, but did not send a reply.

7. To date, Respondent has failed to provide the Board with the requested patient records. This is a violation of Business and Professions Code section 3110, subdivision (x).

8. Respondent's violation of Business and Professions Code section 3110 constitutes a violation of his probationary term number 2 (Obey all Laws).

9. To date, Respondent has failed to submit any written quarterly probation reports. This constitutes a violation of his probationary term number 6 (Submit Written Reports).

10(a). To date, Respondent has failed to provide evidence to the Board that he has functioned as an optometrist for a minimum of 24 hours per week for six consecutive months.

10(b). At the administrative hearing, Respondent attempted to establish that he had functioned as an optometrist as required. However, despite his assertions that he had been seeing patients regularly, the totality of the evidence failed to demonstrate that Respondent's practice had been operating at the number of hours required. Respondent acknowledged that, due to the probation, he "lost numerous vision care contracts . . . for a majority of programs that provide [his] livelihood." He also admitted that his office telephone line had been disconnected for an unspecified period of time, and that it had been difficult for patients to call in to make appointments. However, he "was able to scrape together enough money to reconnect [the phone line] in January 2010." He also admitted that the office electricity had been turned off for "at least 24 hours." Furthermore, at one point, he had to layoff all of his employees, and it took some time to settle all payroll amounts in arrears.

10(c). Respondent has failed to establish that he functioned as an optometrist for a minimum of 24 hours per week for six consecutive months. This constitutes a violation of his probationary term number 7 (Function as an Optometrist).

11. Respondent failed to complete 40 hours per year of optometry courses, in addition to the courses required for license renewal. This constitutes a violation of his probationary term number 11 (Complete Optometry Course).

12(a). Respondent has failed to obtain prior approval for any community service program providing 400 hours of non-optometric services.

12(b). Respondent did inform the Board that he volunteers for a high school booster club. He was instructed by the Board to submit confirmation from the booster club's program coordinator in order to obtain Board pre-approval. Respondent agreed several times to do so, but failed to submit confirmation from the program coordinator for pre-approval.

12(c). Respondent's failure to obtain pre-approval for his community service program constitutes a violation of probationary term number 12 (Community Service).

13. Respondent has failed to pay any portion of the cost recovery, and has made no effort to do so. This is a violation of probationary term number 13 (Cost Recovery).

14. On August 28, 2009, the Board sent Respondent a Notification of Non-Compliance of Terms and Conditions of Probation, informing him of his failure to comply with probationary terms numbers 3, 6, 7, 11, 12 and 13. The Board enclosed a blank copy of a Quarterly Report of Compliance for him to complete and submit. Respondent did not respond to the letter or submit any quarterly report.

15. At the administrative hearing, Respondent stated that he understood everything that was addressed at the hearing and apologized for the time and effort expended by the Board. Although he blamed the failure to pay costs or complete coursework on financial woes, he had no explanation for his failure to submit quarterly reports or failure to provide requested patient records. He stated, "You have gotten my attention. These things will never happen again." However, this assertion was implausible, given Respondent's failure to attempt any compliance during his two years, eight months of probation, particularly after written requests for compliance and the service of an Accusation 10 months ago.

LEGAL CONCLUSIONS

1. Cause exists to revoke Respondent's Optometrist Certificate, pursuant to Business and Professions Code sections 3090 and 3110, subdivision (x), for unprofessional conduct in failing to comply with the Board's requests for patient records, as set forth in Factual Findings 5 through 7.

2. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 2 of his probation, by failing to obey all laws, specifically by reason of his violation of Business and Professions Code section 3110, subdivision (x), as set forth in Factual Findings 3 through 8.

3. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 6 of his probation, by failing to provide written quarterly reports, as set forth in Factual Findings 3, 4 and 9.

4. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 7 of his probation, by failing to function as an optometrist for the minimum required hours, as set forth in Factual Findings 3, 4 and 10.

5. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 11 of his probation, by failing to complete the required 40 hours of optometry courses per year, as set forth in Factual Findings 3, 4 and 11.

6. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 12 of his probation, by failing to obtain Board pre-approval for community service, as set forth in Factual Findings 3, 4 and 12.

7. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 13 of his probation, by failing to pay any costs, as set forth in Factual Findings 3, 4 and 13.

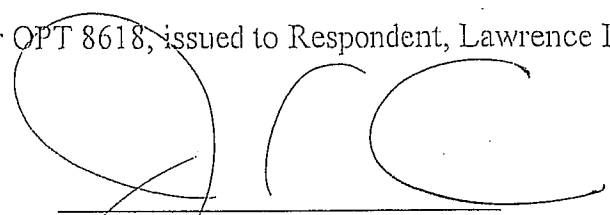
8. Respondent knowingly stipulated to the discipline imposed on his optometrist certificate. He again agreed to abide by the probationary terms and conditions when they were explained to him in July 2008. Nevertheless, Respondent unreasonably failed to comply with numerous probationary terms for over two years, eight months of his three year probation. This failure to comply persisted, despite written requests for compliance and the service of an Accusation 10 months ago. Although Respondent now insists he will comply with his probationary terms, his past actions bode poorly for the likelihood of his future compliance. Furthermore, other than this hollow assurance, Respondent has failed to take any action which would demonstrate his willingness to begin complying with his probationary terms. Respondent has been given more than ample time and opportunities to demonstrate that he was serious about compliance, but has made no effort to do so. Given the foregoing, the public health, safety and welfare cannot be protected by any discipline short of revocation.

ORDER

WHEREFORE, THE FOLLOWING ORDER is made:

Optometrist Certificate Number OPT 8618, issued to Respondent, Lawrence Edwin Young, is hereby revoked.

DATED: December 22, 2010



JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS
Deputy Attorney General
4 State Bar No. 238437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to
Revoke Probation Against,

Case No. CC 2004-59

13 **LAWRENCE EDWIN YOUNG**
10004 Sierra Avenue
Fontana, CA 92335

A C C U S A T I O N

14 Optometrist Certificate No. OPT 8618

A N D

15 Respondent.

P E T I T I O N T O R E V O K E P R O B A T I O N

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Mona Maggio (Complainant) brings this Accusation and Petition to Revoke Probation
21 solely in her official capacity as the Executive Officer of the State Board of Optometry,
22 Department of Consumer Affairs (Board).

23 2. On or about October 2, 1986, the Board issued Optometrist Certificate No. OPT 8618
24 to Lawrence Edwin Young (Respondent). The Optometrist Certificate was in effect at all times
25 relevant to the charges brought herein and will expire on March 31, 2010, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Accusation Against Lawrence
27 Edwin Young," Case No. CC 2004-59, the Board issued a decision, effective April 3, 2008, in
28 which Respondent's Optometrist Certificate was revoked. However, the revocation was stayed

1 and Respondent was placed on probation for a period of three (3) years with certain terms and
2 conditions, as more fully outlined below. A copy of the Board's Decision and Order in Case
3 No. CC 2004-59 is attached as Exhibit A and incorporated herein by reference.

4 JURISDICTION

5 4. This Accusation and Petition to Revoke Probation are brought before the Board,
6 Department of Consumer Affairs, under the authority of the following laws. All section
7 references are to the Business and Professions Code unless otherwise indicated.

8 STATUTORY PROVISIONS

9 5. Section 3070, subdivision (a), states:

10 "Before engaging in the practice of optometry, each licensed optometrist shall notify the
11 board in writing of the address or addresses where he or she is to engage, or intends to engage, in
12 the practice of optometry and, also, of any changes in his or her place of practice. The practice of
13 optometry is the performing or the controlling of any of the acts set forth in Section 3041."

14 6. Section 3090 states:

15 "Except as otherwise provided by law, the board may take action against all persons guilty
16 of violating this chapter or any of the regulations adopted by the board. The board shall enforce
17 and administer this article as to licenseholders, and the board shall have all the powers granted in
18 this chapter for these purposes, including, but not limited to, investigating complaints from the
19 public, other licensees, health care facilities, other licensing agencies, or any other source
20 suggesting that an optometrist may be guilty of violating this chapter or any of the regulations
21 adopted by the board."

22 7. Section 3110 states, in pertinent part:

23 "The board may take action against any licensee who is charged with unprofessional
24 conduct, and may deny an application for a license if the applicant has committed unprofessional
25 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
26 limited to, the following:

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28 \\\

1 "(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter or any of the rules and
3 regulations adopted by the board pursuant to this chapter.

4
5 "(x) Failure or refusal to comply with a request for the clinical records of a patient, that is
6 accompanied by that patient's written authorization for release of records to the board, within 15
7 days of receiving the request and authorization, unless the licensee is unable to provide the
8 documents within this time period for good cause."

9 COST RECOVERY

10 8. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 A C C U S A T I O N

15 FIRST CAUSE FOR DISCIPLINE

16 (Failure to Provide Patient Records to the Board)

17 9. Respondent is subject to discipline pursuant to Code sections 3090 and 3110,
18 subdivision (x), on the grounds of unprofessional conduct, in that Respondent failed to comply
19 with the Board's August 25, 2009, and/or, September 25, 2009, request for clinical records of a
20 patient in regard to Complaint No. CC 2009-11. The Board's requests were accompanied by the
21 patient's written authorization for release of records to the board.

22 PETITION TO REVOKE PROBATION

23 10. Effective April 3, 2009, pursuant to the Board's Decision and Order in Case No. CC
24 2004-59, Respondent was placed on three (3) years probation, and subject to terms and conditions
25 of probation, including, but not limited to the following:

26 2. Obey All Laws. Respondent shall obey all federal, state and local laws,
27 and all rules governing the practice of optometry in California.
28

1 3. **Comply With The Board's Probation Program.** Respondent shall fully
2 comply with the conditions of the Probation Program established by the Board and
3 cooperate with representatives of the Board in its monitoring and investigation of the
4 Respondent's compliance with the Board's Probation Program.

5 Respondent shall, at his own expense, report in person to the Board's
6 headquarters in Sacramento within three (3) months of the effective date of the Board's
7 decision, and as the Board deems necessary if it is determined that Respondent may not be
8 compliant with any of the terms or conditions of his probation.

9 Respondent shall inform the Board in writing within no more than 15
10 days of any address change and shall at all times maintain an active, current license status
11 with the Board, including during any period of suspension.

12 Respondent shall comply with the Board's probation surveillance
13 program; including, but not limited to, allowing access to the probationer's optometric
14 practice(s) and patient records upon request of the board or its agent.

15 Respondent shall pay the monitoring cost associated with the Board's
16 probation surveillance program each and every year of probation, as designated by the
17 Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board
18 of Optometry and delivered to the Board or its designee no later than January 31 of each
19 calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of
20 probation.

21 Upon successful completion of probation, respondent's license shall be
22 fully restored.

23 6. **Submit Written Reports.** Respondent, during the period of probation,
24 shall submit or cause to be submitted such written reports/declarations and verification of
25 actions under penalty of perjury, as required by the Board. These reports/declarations shall
26 contain statements relative to Respondent's compliance with all the conditions of the
27 Board's Probation Program. Respondent shall immediately execute all release of
28 information forms as may be required by the Board or its representatives. Respondent
29 shall provide a copy of this decision to the optometric regulatory agency in every state and
30 territory in which he has an optometry license.

31 7. **Function as an Optometrist.** Respondent, during the period of
32 probation, shall engage in the practice of optometry in California for a minimum of 24
33 hours per week for 6 consecutive months or as determined by the Board. For purposes of
34 compliance with the section, "engage in the practice of optometry" may include, when
35 approved by the Board, volunteer work as an optometrist, or work in any non-direct patient
36 care position that requires licensure as an optometrist. If Respondent has not complied
37 with this condition during the probationary term, and the Respondent has presented
38 sufficient documentation of his good faith efforts to comply with this condition, and if no
39 other conditions have been violated, the Board, in its discretion, may grant an extension of
40 the Respondent's probation period up to one year without further hearing in order to
41 comply with this condition. During the one year extension, all original conditions of
42 probation shall apply.

43 11. **Complete Optometry Course.** Respondent, at his own expense, shall
44 enroll and successfully complete courses relevant to the practice of optometry, including,
45 but not limited to, a course in ethics. Respondent shall obtain approval from the Board
46 before enrolling in the ethics course. These courses shall be in addition to the courses

required for license renewal. Respondent shall complete forty (40) hours of course work per year for each year of probation.

12. **Community Services - Free Services.** Within 60 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval a community service program in which Respondent shall provide free non-optometric services on a regular basis to a community or charitable facility or agency for at least 400 hours over the course of the period of probation.

13. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$10,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

15. **Violation of Probation.** If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws)

11. Respondent's probation is subject to revocation pursuant to Probation Condition No. 2 (Obey All Laws), in that Respondent failed to obey all laws by violating provisions of the Optometry Practice Act, as more fully discussed in paragraph 9, above, which is herein incorporated by reference as set forth in whole.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Provide Written Quarterly Reports)

12. Respondent's probation is subject to revocation pursuant to Probation Conditions No. 3 (Comply with Probation Program), and No. 6 (Submit Written Reports), in that during the course of his probation, Respondent has failed to provide Quarterly Compliance Reports to the Board.

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1 **THIRD CAUSE TO REVOKE PROBATION**

2 **(Failure to Function as an Optometrist)**

3 13. Respondent's probation is subject to revocation under Probation Conditions No. 3
4 (Comply with Probation Program), and No. 7 (Function as an Optometrist), in that Respondent
5 has failed to evidence a minimum of twenty-four (24) practice hours per week during a six (6)
6 consecutive month period. On or about August 28, 2009, the Board sent Respondent a letter
7 regarding his non-compliance with probation, requesting that he provide the Board with evidence
8 of his practice hours. Respondent has failed to provide any patient records or other
9 documentation to support the requirements of his minimum practice hours.

10 **FOURTH CAUSE TO REVOKE PROBATION**

11 **(Failure to Complete Optometry Course)**

12 14. Respondent's probation is subject to revocation under Probation Conditions No. 3
13 (Comply with Probation Program), and No. 11 (Complete Optometry Course), in that Respondent
14 failed to complete forty (40) hours of optometry courses, in addition to courses required for
15 license renewal, in or between April 3, 2008 and April 3, 2009. In addition, Respondent has
16 failed to provide evidence of enrollment and successful completion of any of the forty (40) hours
17 of education courses related to the practice of optometry for the April 3, 2009 to April 3, 2010
18 probation year, and/or, a Board pre-approved ethics course.

19 **FIFTH CAUSE TO REVOKE PROBATION**

20 **(Failure to Comply with Community Services' Provision)**

21 15. Respondent's probation is subject to revocation under Probation Conditions No. 3
22 (Comply with Probation Program), and No. 12 (Community Services - Free Services), in that
23 Respondent failed to submit a community service program and Community Service Verification
24 Form to the Board for pre-approval, and has not evidenced completion of any hours of
25 Community Service – Free Services to the Board during the course of his probation.

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1 SIXTH CAUSE TO REVOKE PROBATION

2 (Failure to Comply with Cost Recovery Agreement)

3 16. Respondent's probation is subject to revocation under Probation Conditions No. 3
4 (Comply with Probation Program), and No. 13 (Cost Recovery), in that Respondent has failed to
5 pay any of the \$10,000 cost recovery ordered by the Board. Respondent signed an agreement for
6 a payment plan, consisting of an initial month's payment of \$357.22, due July 30, 2008, and 27
7 subsequent monthly payments of \$357.14. Respondent failed to make his initial payment and all
8 other payments thereafter.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

12 1. Revoking the probation that was granted by the Board in Case No. CC 2004-59 and
13 imposing the disciplinary order that was stayed, thereby revoking Optometrist Certificate
14 No. OPT 8618, issued to Respondent Lawrence Edwin Young;

15 2. Revoking or suspending Optometrist Certificate No. OPT 8618, issued to Respondent
16 Lawrence Edwin Young;

17 3. Ordering Respondent Lawrence Edwin Young to pay the State Board of Optometry
18 the reasonable costs of the investigation and enforcement of this case pursuant to section 125.3;
19 and

20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 01/27/2010

23 
24 MONA MAGGIO
25 Executive Officer
26 State Board of Optometry
27 Department of Consumer Affairs
28 State of California
Complainant

27 LA2009604462
28 11/10/09 dmm
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Exhibit A

Decision and Order, Stipulation and Accusation

State Board of Optometry Case No. CC 2004-59

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LAWRENCE EDWIN YOUNG
10004 Sierra Avenue
Fontana, CA 92335

Optometrist Certificate No. OPT 8618
Branch Office License No. 6397

Respondent.

Case No. CC 2004-59

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by
the State Board of Optometry, as its Decision in this matter.

This Decision shall become effective on April 3, 2008.

It is so ORDERED March 3, 2008.



FOR THE STATE BOARD OF OPTOMETRY

2008 FEB 28 PM 4:25

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS, State Bar No. 238437
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2554
Facsimile: (213) 897-2804
6

Attorneys for Complainant

7
8 BEFORE THE
BOARD OF OPTOMETRY
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. CC 2004-59

11 LAWRENCE EDWIN YOUNG
12 10004 Sierra Avenue
Fontana, CA 92335
13

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Optometrist Certificate No. OPT 8618
Branch Office License No. 6397
15

Respondent.
16

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the State Board of Optometry (Board) the parties hereby
20 agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to
21 the Board for approval and adoption as the final disposition of the Accusation.

22 PARTIES

23 1. Taryn Smith (Complainant) is the Executive Officer of the Board. She
24 brought this action solely in her official capacity and is represented in this matter by Edmund G.
25 Brown Jr., Attorney General of the State of California, by Scott J. Harris, Deputy Attorney
26 General.

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1 2. Respondent Lawrence Edwin Young is represented in this proceeding by
2 attorney Steven J. Cote, whose address is 19138 Walnut Drive, Suite 100, Rowland Heights,
3 California, 91748.

4 3. On or about October 2, 1986, the Board issued Optometrist Certificate
5 Number OPT 8618 (Certificate) to Respondent. The Certificate expired on or about March 31,
6 2004. On or about June 2, 2004 the Certificate was renewed. The Certificate will expire on
7 March 31, 2008, unless renewed.

8 4. On or about February 17, 2004, the Board issued Branch Office License
9 No. 6397 to Respondent. The License expired on February 1, 2006, and has not been renewed.

10 JURISDICTION

11 5. Accusation No. CC 2004-59 was filed before the Board, and is currently
12 pending against Respondent. The Accusation and all other statutorily required documents were
13 properly served on Respondent on April 12, 2007. Respondent was found to be in default by the
14 Board on or about May 17, 2007, for failure to timely file a Notice of Defense, which was to
15 become effective on or about June 18, 2007. On or about August 17, 2007, the Board issued an
16 Order Vacating Default Decision after Respondent submitted a motion seeking to vacate the
17 original Default Decision and Order and a Notice of Defense contesting the Accusation. A copy
18 of Accusation No. CC 2004-59 is attached as Exhibit A and incorporated herein by reference.

19 ADVISEMENT AND WAIVERS

20 6. Respondent has carefully read, fully discussed with counsel, and
21 understands the charges and allegations in Accusation No. CC 2004-59. Respondent has also
22 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
23 Settlement and Disciplinary Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the
25 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
26 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
27 the right to present evidence and to testify on his own behalf; the right to the issuance of
28 subpoenas to compel the attendance of witnesses and the production of documents; the right to

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 CULPABILITY

6 9. Respondent admits the truth of each and every charge and allegation in
7 Accusation No. CC 2004-59, except for the allegation and charge of his unlicensed practice of
8 optometry between June 25, 2004 and December 17, 2004, as more fully discussed in paragraph
9 18, lines 22-23, on page 6 of Accusation No. CC 2004-59; which herein is withdrawn by the
10 Board.

11 10. Respondent agrees that his Optometrist Certificate is subject to discipline
12 and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
13 Order below.

14 CONTINGENCY

15 11. This stipulation shall be subject to approval by the State Board of
16 Optometry. Respondent understands and agrees that counsel for Complainant and the staff of the
17 State Board of Optometry may communicate directly with the Board regarding this stipulation
18 and settlement, without notice to or participation by Respondent. By signing the stipulation,
19 Respondent understands and agrees that he may not withdraw from this agreement or seek to
20 rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to
21 adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order
22 shall be of no force or effect, and, except for this paragraph, it shall be inadmissible in any legal
23 action between the parties, and the Board shall not be disqualified from further action by having
24 considered this matter.

25 12. The parties understand and agree that facsimile copies of this Stipulated
26 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
27 force and effect as the originals.

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1 13. In consideration of the foregoing admissions and stipulations, the parties
2 agree that the Board may, without further notice or formal proceeding, issue and enter the
3 following Disciplinary Order:

4 DISCIPLINARY ORDER

5 IT IS HEREBY ORDERED that Optometrist Certificate No. OPT 8618, issued to
6 Respondent Lawrence Edwin Young, is revoked. However, the revocation is stayed and
7 Respondent is placed on probation for three (3) years pursuant to the terms and conditions of
8 probation contained below.

9 SEVERABILITY CLAUSE. Each condition of probation contained herein is a
10 separate and distinct condition. If any condition of this Order, or any application thereof, is
11 declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all
12 other applications thereof, shall not be affected. Each condition of this Order shall separately be
13 valid and enforceable to the fullest extent permitted by law.

14 1. Actual Suspension. Optometrist Certificate No. OPT 8618, issued to
15 Respondent Lawrence Edwin Young, is suspended for a period of fifteen (15) days.

16 2. Obey All Laws. Respondent shall obey all federal, state and local laws,
17 and all rules governing the practice of optometry in California.

18 3. Comply With The Board's Probation Program. Respondent shall fully
19 comply with the conditions of the Probation Program established by the Board and cooperate
20 with representatives of the Board in its monitoring and investigation of the Respondent's
21 compliance with the Board's Probation Program.

22 Respondent shall, at his own expense, report in person to the Board's headquarters
23 in Sacramento within three (3) months of the effective date of the Board's decision, and as the
24 Board deems necessary if it is determined that Respondent may not be compliant with any of the
25 terms or conditions of his probation.

26 Respondent shall inform the Board in writing within no more than 15 days of any
27 address change and shall at all times maintain an active, current license status with the Board,
28 including during any period of suspension.

1 Respondent shall comply with the Board's probation surveillance program;
2 including, but not limited to, allowing access to the probationer's optometric practice(s) and
3 patient records upon request of the board or its agent.

4 Respondent shall pay the monitoring cost associated with the Board's probation
5 surveillance program each and every year of probation, as designated by the Board, which may be
6 adjusted on an annual basis. Such costs shall be payable to the Board of Optometry and delivered
7 to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs
8 within 30 calendar days of the due date is a violation of probation.

9 Upon successful completion of probation, respondent's license shall be fully
10 restored.

11 4. Report in Person. Respondent, during the period of probation, shall
12 appear in person at interviews/meetings as directed by the Board or its designated
13 representatives.

14 5. Residency, Practice, or Outside of State. Any period of residency or
15 practice as an optometrist outside of the State of California shall not apply toward a reduction of
16 this probation time period. Respondent's probation is tolled any time he resides outside of
17 California. Respondent must provide written notice to the Board within 15 days of any change of
18 residency or practice outside California, and within 30 days prior to re-establishing residency or
19 returning to practice in California. Respondent shall provide a list of all states and territories
20 where he has ever been licensed as an optometrist. Respondent shall further provide information
21 regarding the status of each license and any changes in such license status during the term of
22 probation. Respondent shall inform the Board if he applies for or obtains a new optometry
23 license during the term of probation. Within 30 days of the Board's Decision, Respondent shall
24 provide a copy of the Board's Decision and Order to the Optometry Board of any other state
25 where he is currently licensed or becomes licensed to practice optometry.

26 6. Submit Written Reports. Respondent, during the period of probation,
27 shall submit or cause to be submitted such written reports/declarations and verification of actions
28 under penalty of perjury, as required by the Board. These reports/declarations shall contain

1 statements relative to Respondent's compliance with all the conditions of the Board's Probation
2 Program. Respondent shall immediately execute all release of information forms as may be
3 required by the Board or its representatives. Respondent shall provide a copy of this decision to
4 the optometric regulatory agency in every state and territory in which he has an optometry
5 license.

6 7. Function as an Optometrist. Respondent, during the period of
7 probation, shall engage in the practice of optometry in California for a minimum of 24 hours per
8 week for 6 consecutive months or as determined by the Board. For purposes of compliance with
9 the section, "engage in the practice of optometry" may include, when approved by the Board,
10 volunteer work as an optometrist, or work in any non-direct patient care position that requires
11 licensure as an optometrist. If Respondent has not complied with this condition during the
12 probationary term, and the Respondent has presented sufficient documentation of his good faith
13 efforts to comply with this condition, and if no other conditions have been violated, the Board, in
14 its discretion, may grant an extension of the Respondent's probation period up to one year
15 without further hearing in order to comply with this condition. During the one year extension, all
16 original conditions of probation shall apply.

17 8. Employment Approval and Reporting Requirements. Respondent
18 shall obtain prior approval from the Board before commencing or continuing any employment,
19 paid or voluntary, as an optometrist. Respondent shall cause to be submitted to the Board all
20 performance evaluations and other employment related reports as an optometrist upon request of
21 the Board.

22 If working as an employee, Respondent shall provide a copy of this decision to his
23 employer and immediate supervisors prior to commencement of any optometric or other health
24 care related employment. In addition to the above, Respondent shall notify the Board in writing
25 within seventy-two (72) hours after he obtains any optometric or other health care related
26 employment. Respondent shall notify the Board in writing within seventy-two (72) hours after
27 he is terminated or separated, regardless of cause, from any optometric, or other health care

1 related employment with a full explanation of the circumstances surrounding the termination or
2 separation.

3 9. Supervised Environment. Within 60 days of the effective date of this
4 decision, Respondent shall submit to the Board, for its prior approval, the name and
5 qualifications of one or more proposed supervisors and a plan for each such supervisor by which
6 Respondent's practice would be supervised. Respondent shall not practice until receiving
7 notification of Board approval of Respondent's choice of a supervisor. The plan of supervision
8 shall be general and not require the physical presence of the supervising optometrist during the
9 time optometric procedures are performed, but does require an occasional random check of the
10 work performed on the patient. Additionally, the supervisor shall have full and random access to
11 all patient records of Respondent. Each proposed supervisor shall be a California licensed
12 optometrist who shall submit written reports to the Board on a quarterly basis verifying that
13 supervision has taken place as required and include an evaluation of Respondent's performance.
14 It shall be Respondent's responsibility to assure that the required reports are filed in a timely
15 manner. The supervisor shall be independent, with no prior business or professional relationship
16 with Respondent and the supervisor shall not be in a familial relationship with or be an
17 employee, (including independent contractor) partner or associate of Respondent. If the
18 supervisor terminates or is otherwise no longer available, Respondent shall not practice until a
19 new supervisor has been approved by the Board. All costs of the supervision shall be borne by
20 the Respondent.

21 10. Employment Limitations. Respondent shall not work in any health care
22 setting as a supervisor of optometrists. The Board may additionally restrict Respondent from
23 supervising technicians and/or unlicensed assistive personnel on a case-by-case basis.
24 Respondent shall not work as a faculty member in an approved school of optometry or as an
25 instructor in a Board approved continuing education program. Respondent shall work only on a
26 regularly assigned, identified and predetermined worksite and shall not work in a float capacity.
27 If the respondent is working or intends to work in excess of 40 hours per week, the Board may
28 request documentation to determine whether there should be restrictions on the hours of work.

1 11. Complete Optometry Course. Respondent, at his own expense, shall
2 enroll and successfully complete courses relevant to the practice of optometry, including, but not
3 limited to, a course in ethics. Respondent shall obtain approval from the Board before enrolling
4 in the ethics course. These courses shall be in addition to the courses required for license
5 renewal. Respondent shall complete forty (40) hours of course work per year for each year of
6 probation.

7 12. Community Services - Free Services. Within 60 days of the
8 effective date of this decision, Respondent shall submit to the Board for its prior approval a
9 community service program in which Respondent shall provide free non-optometric services on
10 a regular basis to a community or charitable facility or agency for at least 400 hours over the
11 course of the period of probation.

12 13. Cost Recovery. Respondent shall pay to the Board costs associated with
13 its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the
14 amount of \$10,000.00. Respondent shall be permitted to pay these costs in a payment plan
15 approved by the Board, with payments to be completed no later than six months prior to the end
16 of the probation term.

17 If Respondent has not complied with this condition during the probationary term,
18 and Respondent has presented sufficient documentation of his or her good faith efforts to comply
19 with this condition, and if no other conditions have been violated, the Board, in its discretion,
20 may grant an extension of the Respondent's probation period up to one year without further
21 hearing in order to comply with this condition. During the one year extension, all original
22 conditions of probation will apply.

23 14. License Surrender. During Respondent's term of probation, if
24 Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy
25 the conditions of probation, Respondent may surrender his license to the Board. The Board
26 reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to
27 grant the request, or to take any other action deemed appropriate and reasonable under the
28 circumstances, without further hearing. Upon formal acceptance of the tendered license and wall

1 certificate, Respondent will no longer be subject to the conditions of probation, except he may be
2 subject to reimbursing the Board for its costs of investigation and prosecution upon a petition for
3 reinstatement.

4 15. **Violation of Probation.** If Respondent violates probation in any respect,
5 the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and
6 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation
7 is filed against Respondent during probation, the Board shall have continuing jurisdiction until
8 the matter is final, and the period of probation shall be extended until the matter is final.

9 ACCEPTANCE

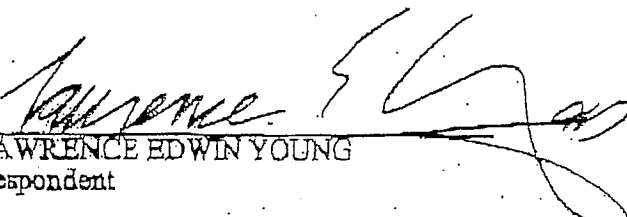
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and
11 have fully discussed it with my attorney, Steven J. Cote. I understand the stipulation and the
12 effect it will have on my Optometrist Certificate. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the State Board of Optometry.

15 DATED: 2-8-08

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LAWRENCE EDWIN YOUNG
Respondent

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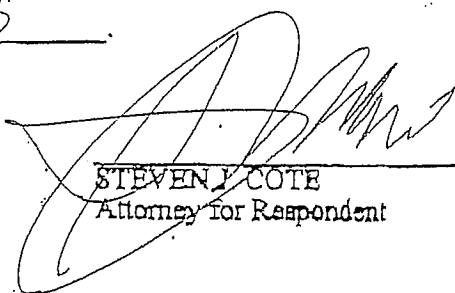
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I have read and fully discussed with Respondent Lawrence Edwin Young the
terms and conditions and other matters contained in the above Stipulated Settlement and
Disciplinary Order. I approve its form and content.

DATED: 2-18-08


STEVEN J. COTE
Attorney for Respondent

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DATED: 2/22/08

GLORIA A. BARRIOS
Supervising Deputy Attorney General

SCOTT J. HARRIS

DOJ Matter ID: LA2007600189
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